



General Assembly

February Session, 2008

Raised Bill No. 178

LCO No. 1499

01499_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

***AN ACT CONCERNING THE REGULATION OF FIREARMS AND THE
LICENSING OF BAIL ENFORCEMENT AGENTS, PROFESSIONAL
BONDSMEN AND SURETY BAIL BOND AGENTS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (b) of section 29-28a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (b) The local authority shall, not later than [eight] twelve weeks after
5 a sufficient application for a temporary state permit has been made,
6 inform the applicant that such applicant's request for a temporary state
7 permit has been approved or denied. The local authority shall forward
8 a copy of the application indicating approval or denial of the
9 temporary state permit to the Commissioner of Public Safety. If the
10 local authority has denied the application for a temporary state permit,
11 no state permit may be issued. The commissioner shall, not later than
12 [eight] twelve weeks after receiving an application indicating approval
13 from the local authority, inform the applicant in writing that the
14 applicant's application for a state permit has been approved or denied,
15 or that the results of the national criminal history records check have

16 not been received. If grounds for denial become known after a
17 temporary state permit has been obtained, the temporary state permit
18 shall be immediately revoked pursuant to section 29-32.

19 Sec. 2. Subsection (c) of section 29-29 of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective*
21 *October 1, 2008*):

22 (c) The local authority may, in its discretion, issue a temporary state
23 permit before a national criminal history records check relative to such
24 applicant's record has been received. Upon receipt of the results of
25 such national criminal history records check, the commissioner shall
26 send a copy of the results of such national criminal history records
27 check to the local authority, which shall inform the applicant and
28 render a decision on the application within one week of the receipt of
29 such results. If such results have not been received within [eight]
30 twelve weeks after a sufficient application for a permit has been made,
31 the local authority shall inform the applicant of such delay, in writing.
32 No temporary state permit shall be issued if the local authority has
33 reason to believe the applicant has ever been convicted of a felony, or
34 that any other condition exists for which the issuance of a permit for
35 possession of a pistol or revolver is prohibited under state or federal
36 law.

37 Sec. 3. Section 29-37g of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2008*):

39 (a) For the purposes of this section, (1) "gun show" means any event
40 (A) at which fifty or more firearms are offered or exhibited for sale,
41 transfer or exchange to the public and (B) at which two or more
42 persons are exhibiting one or more firearms for sale, transfer or
43 exchange to the public; and (2) "gun show promoter" means any
44 person who organizes, plans, promotes or operates a gun show.

45 (b) Not later than thirty days before commencement of a gun show,
46 the gun show promoter shall notify the Commissioner of Public Safety

47 and the chief of police of the town in which the gun show is to take
 48 place or, where there is no chief of police, the warden of the borough
 49 or the first selectman of [the] such town [in which the gun show is to
 50 take place] of the date, time, duration and location of the gun show.

51 (c) No person, firm or corporation shall sell, deliver or otherwise
 52 transfer a firearm at a gun show until such person, firm or corporation
 53 has complied with the provisions of section 29-36l.

54 Sec. 4. Section 29-152f of the general statutes is repealed and the
 55 following is substituted in lieu thereof (*Effective October 1, 2008*):

56 (a) Any person desiring to engage in the business of a bail
 57 enforcement agent shall apply to the Commissioner of Public Safety for
 58 a license [therefore] for such business. Such application shall set forth
 59 under oath the full name, age, date and place of birth, residence and
 60 occupation of the applicant. It shall also set forth under oath a
 61 statement of whether the applicant has been charged with or convicted
 62 of crime, and such other information, including fingerprints and
 63 photographs, as required by the commissioner. The commissioner
 64 shall require the applicant to submit to state and national criminal
 65 history records checks. The criminal history records checks required
 66 pursuant to this section shall be conducted in accordance with section
 67 29-17a. [Within] No earlier than five years prior to the date of
 68 application, the applicant shall have successfully completed a course in
 69 the criminal justice system consisting of not less than twenty hours of
 70 study approved by the commissioner. No person who has been
 71 convicted of a felony or any misdemeanor under section 21a-279, 53a-
 72 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176,
 73 53a-178 or 53a-181d, shall be licensed to do business as a bail
 74 enforcement agent in this state. No person engaged in law enforcement
 75 or vested with police powers shall be licensed to do business as a bail
 76 enforcement agent.

77 (b) On and after October 1, 2008, no person or employee of an
 78 association, corporation or partnership shall conduct the course

79 required by subsection (a) of this section without the approval of the
 80 commissioner. Application for such approval shall be submitted on
 81 forms prescribed by the commissioner. Such application shall be made
 82 under oath and shall contain the applicant's name, address, date and
 83 place of birth, employment for the five years prior to the date of
 84 application, education or training in the criminal justice area, any
 85 convictions for violations of the law, and such other information as the
 86 commissioner may require by regulation, adopted pursuant to
 87 subsection (c) of this section, to properly investigate the character,
 88 competency and integrity of the applicant. No person shall be
 89 approved as an instructor for such training who has been convicted of
 90 a felony or any misdemeanor under section 21a-279, 53a-58, 53a-61,
 91 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or
 92 53a-181d, or who has been denied approval as a professional
 93 bondsman, surety bail bond agent or bail enforcement agent, or whose
 94 approval has been revoked or suspended.

95 (c) The commissioner may adopt regulations, in accordance with the
 96 provisions of chapter 54, to implement the provisions of this section.

97 Sec. 5. Section 29-152h of the general statutes is repealed and the
 98 following is substituted in lieu thereof (*Effective October 1, 2008*):

99 (a) Each person licensed as a bail enforcement agent under the
 100 provisions of sections 29-152f to 29-152i, inclusive, as amended by this
 101 act, may apply for a renewal of such license upon a renewal
 102 application [forms] form provided by the Commissioner of Public
 103 Safety [and requiring] that provides for the disclosure of such
 104 information as said commissioner requires [in determining] to
 105 determine whether [or not] such agent's suitability to continue in such
 106 business has changed since the issuance of [any] the prior license. The
 107 fee for renewal of a bail enforcement agent's license shall be one
 108 hundred dollars.

109 (b) Each person approved as an instructor under the provisions of
 110 section 29-152f, as amended by this act, or section 29-152m, as

111 amended by this act, may apply for renewal of such license on a form
 112 provided by the Commissioner of Public Safety that provides for the
 113 disclosure of such information as said commissioner requires to
 114 determine whether such instructor's suitability to continue as an
 115 instructor has changed since the issuance of the prior approval. The fee
 116 for such renewal shall be one hundred dollars.

117 Sec. 6. Section 29-152i of the general statutes is repealed and the
 118 following is substituted in lieu thereof (*Effective October 1, 2008*):

119 The Commissioner of Public Safety may suspend, revoke or refuse
 120 to renew the license of any bail enforcement agent, pursuant to
 121 sections 29-152f to 29-152i, inclusive, as amended by this act, or the
 122 approval of an instructor pursuant to section 29-152f, 29-152i or 29-
 123 152m, as amended by this act, provided the commissioner gives notice
 124 [shall have been given] to the licensee or instructor to appear before
 125 the commissioner to show cause why the license or approval should
 126 not be suspended, revoked or refused renewal, upon a finding by the
 127 commissioner that the licensee or instructor: (1) [The licensee has] Has
 128 violated (A) any of the terms or provisions of sections 29-152e to
 129 29-152m, inclusive, as amended by this act, or (B) if a licensee, section
 130 38a-660a or any of the regulations adopted under section 29-152o; (2)
 131 [the licensee] has practiced fraud, deceit or misrepresentation; (3) [the
 132 licensee] has made a material misstatement in the application for
 133 issuance or renewal of such license or approval; (4) [the licensee] has
 134 demonstrated incompetence or untrustworthiness in the conduct of the
 135 licensee's or instructor's business; (5) [the licensee] has been convicted
 136 of a felony, a misdemeanor specified in section 29-152f, as amended by
 137 this act, or other crime affecting the licensee's or instructor's honesty,
 138 integrity or moral fitness; or (6) [the licensee] is unsuitable. The
 139 suspension or revocation of, or the refusal to renew, any bail
 140 enforcement agent's license shall also constitute the revocation of the
 141 bail enforcement agent's firearms permit issued pursuant to section 29-
 142 152m, as amended by this act. Any bail enforcement agent who fails to
 143 surrender such license within five days of notification in writing of the

144 suspension or revocation of, or refusal to renew, such license shall be
145 guilty of a class C misdemeanor. Any party aggrieved by an order of
146 the commissioner under this section may appeal therefrom in
147 accordance with the provisions of section 4-183, except venue for such
148 appeal shall be in the judicial district of Hartford.

149 Sec. 7. Section 29-152m of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective October 1, 2008*):

151 (a) No professional bondsman licensed under chapter 533, surety
152 bail bond agent licensed under chapter 700f or bail enforcement agent
153 licensed under sections 29-152f to 29-152i, inclusive, as amended by
154 this act, shall carry a pistol, revolver or other firearm while engaging in
155 the business of a professional bondsman, surety bail bond agent or bail
156 enforcement agent, as the case may be, or while traveling to or from
157 such business unless such bondsman or agent obtains a special permit
158 from the Commissioner of Public Safety in accordance with the
159 provisions of subsection (b) of this section. The permit required under
160 this section shall be in addition to the permit requirement imposed
161 under section 29-28 of the 2008 supplement to the general statutes.

162 (b) The Commissioner of Public Safety may grant to any
163 professional bondsman licensed under chapter 533, surety bail bond
164 agent licensed under chapter 700f or bail enforcement agent licensed
165 under sections 29-152f to 29-152i, inclusive, as amended by this act, a
166 permit to carry a pistol or revolver or other firearm while engaging in
167 the business of professional bondsman, surety bail bond agent or bail
168 enforcement agent, as the case may be, or while traveling to or from
169 such business, provided that such bondsman or agent has proven to
170 the satisfaction of the commissioner that such bondsman or agent has
171 successfully completed a course, approved by the commissioner, of
172 training in the safety and use of firearms. Such bondsman or agent
173 shall successfully complete a firearms safety refresher course approved
174 by the commissioner each year as a condition of such permit.

175

176 (c) The commissioner shall adopt regulations in accordance with the
 177 provisions of chapter 54 concerning the approval of schools,
 178 institutions or organizations offering such courses, requirements for
 179 instructors and the required number of hours and content of such
 180 courses. On and after October 1, 2008, no person or employee of an
 181 association, corporation or partnership shall conduct a course pursuant
 182 to subsection (b) of this section without the approval of the
 183 commissioner. Application for such approval shall be submitted on a
 184 form prescribed by the commissioner. Such application shall be made
 185 under oath and shall contain the following: (1) The applicant's name,
 186 address, and date and place of birth; (2) the applicant's employment
 187 for the five years prior to the date of application; (3) the applicant's
 188 education or training in the subject matter of the courses required by
 189 subsection (b) of this section; (4) any convictions for violations of the
 190 law; and (5) such other information as the commissioner may require
 191 by any regulation adopted pursuant to this subsection to investigate
 192 the character, competency and integrity of the applicant. No person
 193 shall be approved as an instructor who has been convicted of a felony
 194 or any misdemeanor pursuant to section 21a-279, 53a-58, 53a-61, 53a-
 195 61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-
 196 181d, who has been denied a license as a professional bondsman,
 197 surety bail bond agent or bail enforcement agent, or if said license has
 198 been revoked or suspended.

199 ~~[(c)]~~ (d) Application for a permit issued pursuant to this section
 200 shall be made on forms provided by the commissioner and shall be
 201 accompanied by a thirty-one-dollar fee. Such permit shall have an
 202 expiration date that coincides with that of the state permit to carry a
 203 pistol or revolver issued pursuant to section 29-28 of the 2008
 204 supplement to the general statutes. A permit issued pursuant to this
 205 section shall be renewable every five years with a renewal fee of thirty-
 206 one dollars. The commissioner shall send, by first class mail, a notice of
 207 expiration of the bail enforcement agent firearms permit issued
 208 pursuant to this section, together with a notice of expiration of the
 209 permit to carry a pistol or revolver issued pursuant to section 29-28 of

210 the 2008 supplement to the general statutes, in one combined form.
211 The commissioner shall send such combined notice to the holder of the
212 permits not later than ninety days before the date of the expiration of
213 both permits, and shall enclose a form for renewal of the permits. A
214 bail enforcement agent firearms permit issued pursuant to this section
215 shall be valid for a period of ninety days after the expiration date,
216 except this provision shall not apply if the permit to carry a pistol or
217 revolver has been revoked or revocation is pending pursuant to section
218 29-32, in which case the bail enforcement agent firearms permit shall
219 also be revoked.

220 Sec. 8. Section 53-206c of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective October 1, 2008*):

222 (a) For the purposes of this section:

223 (1) "Facsimile of a firearm" means (A) any nonfunctional imitation of
224 an original firearm which was manufactured, designed and produced
225 since 1898, or (B) any nonfunctional representation of a firearm other
226 than an imitation of an original firearm, provided such representation
227 could reasonably be perceived to be a real firearm. Such term does not
228 include any look-a-like, nonfiring, collector replica of an antique
229 firearm developed prior to 1898, or traditional BB. or pellet-firing air
230 gun that expels a metallic or paint-contained projectile through the
231 force of air pressure.

232 (2) "Firearm" means firearm as defined in section 53a-3 of the 2008
233 supplement to the general statutes.

234 (b) No person shall give, offer for sale or sell any facsimile of a
235 firearm. The provisions of this subsection shall not apply to any
236 facsimile of a firearm, which, because of its distinct color, exaggerated
237 size or other design feature, cannot reasonably be perceived to be a
238 real firearm.

239 (c) Except in self defense, no person shall carry, draw, exhibit or

240 brandish a facsimile of a firearm or simulate a firearm in a threatening
241 manner, with intent to frighten, vex or harass another person.

242 (d) No person shall draw, exhibit or brandish a facsimile of a
243 firearm or simulate a firearm in the presence of a peace officer,
244 firefighter, emergency medical technician or paramedic engaged in the
245 performance of his duties knowing or having reason to know that such
246 peace officer, firefighter, emergency medical technician or paramedic
247 is engaged in the performance of his duties, with intent to impede such
248 person in the performance of such duties.

249 (e) Any person who violates any provision of this section shall be
250 guilty of a class B misdemeanor.

251 (f) The provisions of this section shall not apply to any person
252 participating in a state-certified qualified production, as defined in
253 section 12-217jj of the 2008 supplement to the general statutes.

254 Sec. 9. Section 53-206d of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective October 1, 2008*):

256 (a) (1) No person shall carry a pistol, revolver, machine gun,
257 shotgun, rifle or other firearm, which is loaded and from which a shot
258 may be discharged, upon his person (A) while under the influence of
259 intoxicating liquor or any drug, or both, or (B) while the ratio of
260 alcohol in the blood of such person is [~~ten-hundredths~~] eight-
261 hundredths of one per cent or more of alcohol, by weight.

262 (2) Any person who violates any provision of this subsection shall
263 be guilty of a class B misdemeanor.

264 (b) (1) No person shall engage in hunting while under the influence
265 of intoxicating liquor or any drug, or both, or while impaired by the
266 consumption of intoxicating liquor. A person shall be deemed under
267 the influence when at the time of the alleged offense the person (A) is
268 under the influence of intoxicating liquor or any drug, or both, or (B)
269 has an elevated blood alcohol content. For the purposes of this

subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is [ten-hundredths] eight-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person has been convicted of a violation of this subsection, a ratio of alcohol in the blood of such person that is seven-hundredths of one per cent or more of alcohol, by weight. A person shall be deemed impaired when at the time of the alleged offense the ratio of alcohol in the blood of such person was more than seven-hundredths of one per cent of alcohol, by weight, but less than [ten-hundredths] eight-hundredths of one per cent of alcohol, by weight.

(2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor.

(3) Enforcement officers of the Department of Environmental Protection are empowered to arrest for a violation of the provisions of this subsection.

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|---|-----------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2008 | 29-28a(b) |
| Sec. 2 | October 1, 2008 | 29-29(c) |
| Sec. 3 | October 1, 2008 | 29-37g |
| Sec. 4 | October 1, 2008 | 29-152f |
| Sec. 5 | October 1, 2008 | 29-152h |
| Sec. 6 | October 1, 2008 | 29-152i |
| Sec. 7 | October 1, 2008 | 29-152m |
| Sec. 8 | October 1, 2008 | 53-206c |
| Sec. 9 | October 1, 2008 | 53-206d |

Statement of Purpose:

To increase from eight weeks to twelve weeks the time for approval or denial of a temporary permit to carry a firearm; to require gun show promoters to notify the Commissioner of Public Safety of any planned gun show; to mandate annual firearms safety refresher courses for bail enforcement agents, professional bondsmen and surety bail bond agents; to require that certain firearms and criminal justice courses be

approved by the Commissioner of Public Safety; to provide an exemption to the offenses of selling, carrying or brandishing a facsimile firearm for a participant in a state-certified qualified production; and to change the blood alcohol limit for the offense of carrying a firearm while intoxicated to achieve parity with the level for the offense of operating a motor vehicle while intoxicated.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]